

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEPPER HAMILTON LLP,

Intervenor
Plaintiff,

v.

WESTPORT INSURANCE CORPORATION
AND EXECUTIVE RISK INDEMNITY, INC.,

Defendants.

Case No. 08 CV 01822 (DLC)

**NOTICE OF MOTION TO
INTERVENE AND TO DISMISS**

PLEASE TAKE NOTICE that upon the attached Affidavit of Charles A. Gilman, sworn to May 16, 2008, the Exhibit thereto, and upon the Affidavit of Robert E. Heideck, sworn to May 15, 2008, and upon the accompanying Memorandum of Law, Intervenor Plaintiff Pepper Hamilton LLP will move this Court, before the Honorable Denise L. Cote, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, on a date and time to be set by the Court, for an Order granting permission to intervene in the above-captioned action and dismissing the same.

Dated: May 16, 2008

Respectfully submitted,

CAHILL GORDON & REINDEL LLP

By: 

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